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**From:** Faeth, Lisa [Faeth.Lisa@epa.gov]  
**Sent:** 2/4/2019 3:54:09 PM  
**To:** Anderson, Steve [Anderson.Steve@epa.gov]; Askinazi, Valerie [Askinazi.Valerie@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Barkas, Jessica [barkas.jessica@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Buster, Pamela [Buster.Pamela@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; Caraballo, Mario [Caraballo.Mario@epa.gov]; Carroll, Megan [Carroll.Megan@epa.gov]; Cherepy, Andrea [Cherepy.Andrea@epa.gov]; Christian, Myrta [Christian.Myrta@epa.gov]; Corado, Ana [Corado.Ana@epa.gov]; Davies, Clive [Davies.Clive@epa.gov]; Dekleva, Lynn [dekleva.lynn@epa.gov]; Devito, Steve [Devito.Steve@epa.gov]; Doa, Maria [Doa.Maria@epa.gov]; Drewes, Scott [Drewes.Scott@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Edelstein, Rebecca [Edelstein.Rebecca@epa.gov]; Edmonds, Marc [Edmonds.Marc@epa.gov]; Elwood, Holly [Elwood.Holly@epa.gov]; Faeth, Lisa [Faeth.Lisa@epa.gov]; Farquharson, Chenise [Farquharson.Chenise@epa.gov]; Fehrenbacher, Cathy [Fehrenbacher.Cathy@epa.gov]; Feustel, Ingrid [feustel.ingrid@epa.gov]; Frank, Donald [Frank.Donald@epa.gov]; Gibson, Hugh [Gibson.Hugh@epa.gov]; Gimlin, Peter [Gimlin.Peter@epa.gov]; Gorder, Chris [Gorder.Chris@epa.gov]; Gordon, Brittney [Gordon.Brittney@epa.gov]; Grant, Brian [Grant.Brian@epa.gov]; Gray, Shawna [Gray.Shawna@epa.gov]; Groeneveld, Thomas [Groeneveld.Thomas@epa.gov]; Guthrie, Christina [Guthrie.Christina@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Kapust, Edna [Kapust.Edna@epa.gov]; Kemme, Sara [kemme.sara@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Krasnic, Toni [krasnic.toni@epa.gov]; Lavoie, Emma [Lavoie.Emma@epa.gov]; Lee, Mari [Lee.Mari@epa.gov]; Lee, Virginia [Lee.Virginia@epa.gov]; Leopard, Matthew (OEI) [Leopard.Matthew@epa.gov]; Liva, Aakruti [Liva.Aakruti@epa.gov]; Lobar, Bryan [Lobar.Bryan@epa.gov]; Mclean, Kevin [Mclean.Kevin@epa.gov]; Menasche, Claudia [Menasche.Claudia@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Moss, Kenneth [Moss.Kenneth@epa.gov]; Mottley, Tanya [Mottley.Tanya@epa.gov]; Moyer, Adam [moyer.adam@epa.gov]; Myers, Irina [Myers.Irina@epa.gov]; Myrick, Pamela [Myrick.Pamela@epa.gov]; Nazef, Laura [Nazef.Laura@epa.gov]; Ortiz, Julia [Ortiz.Julia@epa.gov]; Owen, Elise [Owen.Elise@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Passe, Loraine [Passe.Loraine@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pratt, Johnk [Pratt.Johnk@epa.gov]; Price, Michelle [Price.Michelle@epa.gov]; Reese, Recie [Reese.Recie@epa.gov]; Reisman, Larry [Reisman.Larry@epa.gov]; Rice, Cody [Rice.Cody@epa.gov]; Richardson, Vickie [Richardson.Vickie@epa.gov]; Ross, Philip [Ross.Philip@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Santacroce, Jeffrey [Santacroce.Jeffrey@epa.gov]; Saxton, Dion [Saxton.Dion@epa.gov]; Scarano, Louis [Scarano.Louis@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Schweer, Greg [Schweer.Greg@epa.gov]; Scott Selken, **Personal Email / Ex. 6** Scott, Elizabeth [Scott.Elizabeth@epa.gov]; Selby-Mohamadu, Yvette [Selby-Mohamadu.Yvette@epa.gov]; Seltzer, Mark [Seltzer.Mark@epa.gov]; Sheehan, Eileen [Sheehan.Eileen@epa.gov]; Sherlock, Scott [Sherlock.Scott@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Sirmons, Chandler [Sirmons.Chandler@epa.gov]; Slotnick, Sue [Slotnick.Sue@epa.gov]; Smith, David G. [Smith.DavidG@epa.gov]; Smith-Seam, Rhoda [smith-seam.rhoda@epa.gov]; Stedeford, Todd [Stedeford.Todd@epa.gov]; Strauss, Linda [Strauss.Linda@epa.gov]; Symmes, Brian [Symmes.Brian@epa.gov]; Tanner, Barbara [Tanner.Barbara@epa.gov]; Thompson, Tony [Thompson.Tony@epa.gov]; Tierney, Meghan [Tierney.Meghan@epa.gov]; Tillman, Thomas [Tillman.Thomas@epa.gov]; Tomassoni, Guy [Tomassoni.Guy@epa.gov]; Tran, Chi [Tran.Chi@epa.gov]; Turk, David [Turk.David@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Wallace, Ryan [Wallace.Ryan@epa.gov]; Wheeler, Cindy [Wheeler.Cindy@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Williams, Aresia [Williams.Aresia@epa.gov]; Williams, Bridget [Williams.Bridget@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Wills, Jennifer [Wills.Jennifer@epa.gov]; Wise, Louise [Wise.Louise@epa.gov]; Wolf, Joel [Wolf.Joel@epa.gov]; Wright, Tracy [Wright.Tracy@epa.gov]; Yowell, John [yowell.john@epa.gov]  
**Subject:** News Articles (For EPA Distribution Only)

**BNA DAILY ENVIRONMENT REPORT ARTICLES**

**EPA Vets Promoted**

**Legal Spotlight: Beveridge & Diamond Promotes EPA Veterans**

Two of Beveridge & Diamond's new principals, Dan Schulson and Stacey Sublett, are veterans of EPA's Office of General Counsel.

Schulson served as a working group leader on the Justice Department-appointed compliance team in conjunction with the Volkswagen AG emissions proceedings. He also negotiated administrative settlements with EPA and state regulators for alleged violations of environmental statutes, including the Clean Air Act, Federal Insecticide, Fungicide, and Rodenticide Act, and the Emergency Planning and Community Right-to-Know Act.

Sublett played a role in the EPA's incident response and crisis management of such issues as the drinking water crisis in Flint, Mich., the Gold King Mine spill in Colorado, and the legal defense of the Clean Power Plan. She also served as the EPA general counsel's principal speechwriter.

Beveridge & Diamond also named Ryan Carra, Nicole Weinstein, and Graham Zorn as principals. Carra counsels clients on regulatory issues in the chemicals, products, and energy sectors, while Weinstein focuses on insurance recovery and environmental litigation and Zorn concentrates on environmental, toxic tort, and product liability litigation.

The firm also named John Cossa of counsel. A former attorney-adviser at the Interior Department solicitor's office, Cossa advises clients on oil and gas leasing and development, wind, solar, and mineral resources.

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## Norway Wants Longer Jail Time for Environmental Crimes

By Marcus Hoy

Posted Feb. 1, 2019, 6:20 PM

Norway wants to hand down longer jail sentences for environmental crimes, but the nation's top industry group said the proposed penalties are unnecessary.

### GREENWIRE ARTICLES

**Wheeler: 'It wasn't easy hanging in there'**



Acting EPA Administrator Andrew Wheeler testifies during his confirmation hearing before the Senate Environment and Public Works Committee earlier this month. Alex Edelman/UPI/Newscom

Newly released emails shed light on Andrew Wheeler's confirmation process as deputy EPA administrator, while foreshadowing the battle ahead in his nomination for the agency's top job.

The emails, released yesterday to the Sierra Club following Freedom of Information Act litigation, show Wheeler's — currently EPA's acting chief — interactions with an assortment of political appointees at the agency as he readied for Senate confirmation as the agency's second in command. The records also offer insights into how EPA operates today, showing how aides have dealt with questions over ethics and industry interests regulated by the agency.

<https://www.eenews.net/greenwire/2019/02/01/stories/1060119319>

## CHEMICAL WATCH ARTICLES

### NGO Platform: The hidden hazards of chemicals in plastics

Global Business Briefing, February 2019 / Global, Phthalates

Dr Anna Watson, CHEM Trust head of advocacy, describes how scientists at the Food Packaging Forum established a comprehensive database of chemicals used in the production of plastic packaging



When I buy fruit and vegetables at my nearest supermarket, I can no longer buy loose mushrooms, onions, apples or potatoes. They all come wrapped in plastic – a close-to-home reminder about how the use of plastic packaging is increasing in our daily lives. Of the 380m tonnes of plastics produced worldwide each year, more than 40% are used in packaging, with the majority of that used in food packaging.

Plastic packaging does not just cause environmental problems with its use of resources, litter and degradation to smaller particles; it is a source of chemical exposure to consumers and workers.

The chemicals used in packaging can migrate into foods and the environment during manufacturing, use, disposal and recycling. It is therefore vital for us to know what chemicals are present in plastic packaging and what the associated risks are, so that we can restrict chemicals that cause harm and replace them with safer alternatives.

### **Plastic packaging database**

Since the summer of 2017, CHEM Trust has been part of a collaboration of NGOs, including the Food Packaging Forum, ChemSec and academic scientists, to:

- identify which hazardous chemicals are used in the manufacturing of plastic packaging and in the end product;
- compile information on their applications and toxicity; and
- identify which substances should be prioritised to be substituted for safer alternatives.

However, it has not been straightforward to determine which chemicals are used in the production of plastic packaging, as there is no single registry for this information. Scientists at the [Food Packaging Forum](#) started by trawling through data to establish a comprehensive database.

The scientists faced considerable barriers when building the database due to a lack of information concerning the use of chemicals in plastics manufacturing and the chemicals' function and presence in final products.

This was often caused by information not being publicly accessible through standard search methods or not being accessible at all. In addition, plastic packaging contains impurities, degradation products, and contaminants which cannot be exhaustively compiled because many of these chemicals are not yet identified.

The chemicals associated with plastics packaging database (CPPdb), containing 4,283 substances, was the result of this extensive study. Information on their toxicity and uses in plastic packaging, as well as additional regulatory information

such as authorisation for use in food packaging is also included. The 906 substances which are most likely to be associated with plastic packaging have been published on the Data Commons website.

### **Hazardous chemicals and prioritisation**

At least 148 of the 906 chemicals most likely to be associated with plastic packaging were identified as particularly hazardous both to human health and the environment based on several harmonised hazard data sources. Sixty-eight chemicals were identified as particularly hazardous to the environment and 63 chemicals were identified as particularly hazardous for human health.

The next step in the project was to identify which chemicals in plastic packaging should be a priority for the industry to find alternatives.

To achieve this prioritisation, a set of criteria was agreed, combined with the expert judgment of the project partners. It is worth noting that different prioritisation processes will have different outcomes and the result is strongly dependent on the available information.

All the chemicals identified following the prioritisation criteria were ortho-phthalates. Benzyl butyl phthalate (BBP) was selected as the highest-priority substance for environmental hazards in the context of this research project. Five phthalates, including BBP, were selected as the highest priority substances for human health.

The others were: dibutyl phthalate (DBP); diisobutyl phthalate (DiBP); bis(2-ethylhexyl) phthalate (DEHP) and dicyclohexyl phthalate (DCHP).

### **Ortho-phthalates**

All of the prioritised ortho-phthalates in the study are used as plasticisers, adhesives or printing inks in plastic packaging. In Western Europe, we produce about 1m tonnes of phthalates each year, of which approximately 900,000 tonnes are used to plasticise PVC. And, according to the industry, a large proportion of this PVC is used to make rigid and flexible films for packaging.

Phthalates are a well-known problematic group of chemicals for human health, which is why some of the uses of certain phthalates in toys and other children's products are partly restricted in the EU.

The EU has also decided to restrict the use of four of the ortho-phthalates prioritised in our project: DEHP, DBP, BBP and DiBP. Their use in many consumer products will be restricted, due to their toxic effect on reproductive health and the endocrine system. This partial ban takes into account the cumulative effects of combined exposure to the four phthalates. This as a welcome and long overdue measure.

However, the restriction does not prevent these chemicals being used in food contact materials such as conveyor belts and pipes used during food production, plastic gloves worn to handle food, and containers and wrappings used for food packaging. This is a glaring loophole and it must be closed as soon as possible.

Restrictions are also being discussed in the US. Since 2016, the US Food and Drug Administration has been reviewing a petition by public interest organisations to remove approval of 30 phthalates in food contact materials. However, on 14 November 2018 the FDA said it was also considering a petition from an industry group, Flexible Vinyl Alliance, claiming that only four phthalates (DEHP, DCHP, diisononyl phthalate and diisodecyl phthalate) are used in contact with food, including final packaging.

The petition requests that the agency de-authorise the remaining [26 phthalates](#) because their use as food contact substances has been abandoned.

### **What should the industry do?**

What do the findings of this project mean for industry and regulators? First, the project has exposed how difficult it is to get hold of chemical-use information. We need far more transparency from the industry on the chemicals they are using to produce plastic packaging.

Second, industry must move away from using groups of known hazardous substances such as the phthalates; other research by CHEM Trust has highlighted that bisphenols are a similar problem group. By regulating one chemical at a time the regulators allow the industry to move from one problematic chemical to the next within a group, rather than solving the problem.

We know that the industry can rise to this challenge. In March 2018, food brands in the US, such as Nestlé, and food packaging supply chain companies published the Food Packaging Product Stewardship Considerations. It contains a list of chemicals that these companies do not want to see in their packaging. Ortho-phthalates, including the ones our project has identified, are at the top of the list.

Third, our project identified more than 4,000 chemicals that are likely to be associated with the manufacture of plastic packaging. However, there will be many more chemicals present than we can identify – the so-called non-intentionally added substances (Nias). Not only have most of these chemicals not been identified, they have generally not been risk assessed. We simply cannot say that any plastic packaging is safe without this information.

Ultimately, in order to address the Nias issue, the industry must use fewer chemicals and ensure production processes are controlled in such a way that Nias are identified and appropriately assessed for their health and environmental impacts.



[Dr Anna Watson](#)

[View transparency statement](#)

### **Further Information:**

- [Data Commons Website](#)

### **Democrats call for release of CBI data underlying TSCA evaluation**

1 February 2019 / Confidentiality & right-to-know, TSCA, United States

Two US House of Representatives Democrats have called for the EPA to release health and safety studies supporting the TSCA draft risk evaluation of [pigment violet 29](#) that have been withheld as confidential.

The request – submitted by Energy and Commerce Committee leaders Frank Pallone, Jr (D–New Jersey) and Paul Tonko (D–New York) – relates to the first of ten draft risk evaluations being completed under the reformed TSCA.

And in line with a [public records petition](#) filed by a group of NGOs late last year, the elected officials are taking issue with the EPA's decision to protect as confidential some of the studies it used to underpin the evaluation, including 20 studies submitted to Echa when PV29 was registered under REACH.

"We are deeply concerned that the decision to withhold from the public and label these studies as confidential business information (CBI) sets a dangerous and unlawful precedent as the EPA continues to work towards completing risk evaluations on the current ten and all future chemicals under review," Mr Pallone and Mr Tonko wrote in a 30 January letter to the agency's acting administrator Andrew Wheeler.

In support of the request, Mr Pallone and Mr Tonko said that section 14(b)(2) of TSCA identifies certain information that cannot be protected as CBI, including health and safety studies. This is consistent with arguments that have been made by some in the environmental advocacy community, including those behind the Freedom of Information Act calling for the studies' release.

But industry groups and attorneys have interpreted that section of the law as permitting, rather than compelling, the EPA to disclose that information. And in its draft evaluation, the EPA said "claim of business confidentiality by the data owners means that the EPA will not reproduce these full study reports in this risk evaluation."

In addition to the studies, Mr Pallone and Mr Tonko have asked that the agency release documents and email communications related to its decision to label health and safety studies as CBI. They have requested an agency response by 6 February.

The letter comes amid a [recent uptick](#) in focus on the agency's policies – a trend consistent with forecasts that Democrats will be ramping up [oversight](#) activities this year.



[Kelly Franklin](#)

North America editor

### Related Articles

- [First TSCA draft risk evaluation finds no unreasonable risk](#)
- [NGOs demand release of REACH studies submitted as confidential under TSCA](#)
- [Congressional Democrats turn up the heat on the EPA](#)
- [US chemicals industry prepares for increased TSCA oversight](#)

### Further Information:

- [Letter](#)

**US EPA appoints new members to advisory board**

1 February 2019 / United States

The EPA has appointed 12 new members to its Chemical Assessment Advisory Committee (CAAC) – a subcommittee of the Science Advisory Board (SAB).

The CAAC is a group of non-EPA scientists that provides advice on toxicological reviews of environmental chemicals.

There are 12 new CAAC members, comprising six academics and six consultants. The EPA's website lists 20 total CAAC members, which reflects a drop in appointments since 2018, when it had 29 members. Dr Hugh Barton, an independent consultant, will be its chair.

The SAB will grow slightly, from 44 to 45 members; Dr Michael Honeycutt will serve as chair.

EPA Acting Administrator Andrew Wheeler said in a statement that the appointees come from "a wide variety of scientific disciplines" and "reflect the geographic diversity needed to represent all ten EPA regions."

In 2019, 30 states and the District of Columbia will be represented on the SAB and its subcommittees.

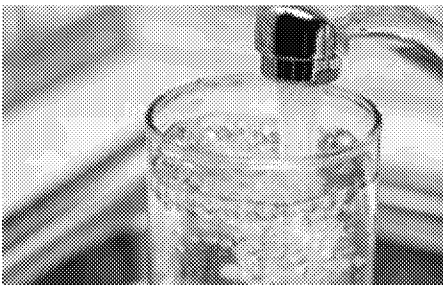
**Further Information:**

- [EPA statement](#)

**EU committee lists persistent mobile substances as emerging issue**

PMTs among 14 issues that Scheer says could impact human health or environment

4 February 2019 / Europe, Risk assessment, Substances of concern



An EU science committee has identified persistent, mobile and toxic substances (PMTs) as one of 14 emerging issues that could impact on human health or the environment in the future.

The list of emerging issues comes in a statement from the Scientific Committee on Health, Environmental and Emerging Risks (Scheer) on 11 January. The foreword says that this will be used when discussing potential mandates from the European Commission.

Germany's Federal Environment Agency (UBA) has proposed the PMT substances should be identified as substances of very high concern (SVHCs) under REACH. The topic was discussed last year at a two-day workshop run by UBA and the Norwegian Geotechnical Institute (NGI).

The aim of the UBA proposal is to protect humans and the environment from substances that have the potential to circulate very widely in water systems and contaminate, in particular, drinking water.

Industry is opposed to it, warning of a rush to regrettable regulation.



In the statement, Scheer says that EU legislation on persistent, bioaccumulative and toxic substances (PBTs) – such as REACH – "pays insufficient attention to the drinking water function of our surface waters and groundwater. After all, there are substances that do not accumulate very much but that are very difficult to remove from water."

The Scheer member who acted as "initiator" for the entry on PMTs was Pim de Voogt, professor of environmental chemistry at the University of Amsterdam.

Also identified as emerging issues are:

- chemicals in recycled materials – an issue for a circular economy;
- drinking water treatment interactions with compounds and potential health effects;
- per- and polyfluorinated organic substances;
- micro and nano-plastic in the environment; and
- nanoparticles released from building materials and construction waste to the environment.

#### Further Information:

- [Scheer statement](#)

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## OTHER ARTICLES

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Albany Times Union

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[Plastic is making you toxic](#)

Times of India

The bottle that stores your water, the box that holds hot food, boxes that store your grains, baskets that hold fruits **and** the bread/biscuit/chocolate that is ...

Five biggest disruptors wreaking havoc on your hormones

Syracuse Journal-Democrat

"We are exposed to thousands of **toxic chemicals** on a regular basis in the air, water and food," says Colbert (<https://drcolbert.com>), author of Dr.

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Constable left GSK in 2009, and is now the science director at the American Chemical Society's **Green Chemistry** Institute. Triclosan is biodegradable ...

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